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Letter dated 18 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached supplementary report from Cook Islands submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

03-53203 (E) 011003

Annex

Letter dated 31 May 2002 from the Prime Minister of Cook Islands addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

It is my pleasure to submit for the information and consideration of your Committee the supplementary report of the Cook Islands on measures it has taken to implement Security Council resolutions against terrorism, especially resolutions 1373 (2001) and 1390 (2002), as requested by the Security Council in its resolution 1390 (2002) of 16 January 2002 (see enclosure).

The Cook Islands continues to support strongly the efforts of the Security Council to combat terrorism in all of its forms and, in that regard, looks forward to cooperating closely with the United Nations and its Member States in the months ahead.

(*Signed*) Robert **Woonton**
Prime Minister

Enclosure

Supplementary report to the Security Council Counter-Terrorism Committee on counter-terrorism activities in the Cook Islands

1. INTRODUCTION

1.1 This report supplements and is intended to be read in conjunction with the Cook Islands first report to the Counter-Terrorism Committee ('the Committee') of the United Nations Security Council (UNSC) submitted on 27 December 2001 (UNSC document S/2001/1324).

1.2 The Government of the Cook Islands ('the Government') has taken careful note of United Nations Security Council (UNSC) Resolutions on Afghanistan, especially Resolutions 1373 (2001) and 1390 (2002), dated 28 September 2001 and 16 January 2002, respectively, including the UNSC's request in paragraph 6 of Resolution 1390 (2002) for all States to report to the Committee established pursuant to Resolution 1373 (2001) on the steps they have taken to implement that Resolution. The Government continues to give its strong support to efforts to promote international peace and security, especially those of the UNSC to combat terrorism and the Government remains committed to playing a full role and co-operating with other members of the international community in those activities. Acting in the above spirit, the Government of the Cook Islands submits this supplementary report to the Security Council on activities it has undertaken since 27 December 2001 and those it proposes to take to counter terrorism as called for in the above Resolutions.

2. TREATIES AND OTHER INTERNATIONAL ACTION

Multilateral Treaties

2.1 Examination of relevant terrorism-related treaties to which the Cook Islands is not yet bound has now been completed by the relevant agencies of the Government. The Cabinet of Ministers has given approval for the Crown Law Office to begin drafting implementing legislation to give domestic effect to the following counter-terrorism treaties:

- International Convention for the Suppression of Terrorist Bombings, adopted by Resolution A/RES/52/164 of the UNGA on 15 December 1997;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted at Rome on 10 March 1988;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted at Montreal on 1 March 1991;
- Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, concluded at Rome on 10 March 1988.

2.2 When the implementing legislation for each of the above treaties is drafted, it will be presented to Cabinet for formal approval. When that approval is received, the Bill will be submitted to Parliament for consideration and adoption. Those steps completed, Government will deposit a formal instrument to become a party to each of the treaties. This may take some time because of the enormous workload on the small number of staff in the Crown Law Office and the Ministry of Foreign Affairs and Immigration. To aid in the drafting process, attempts are being made to locate model implementing legislation for each of the above treaties.

2.3 The Cook Islands Government has also begun consideration of the United Nations Convention against Transnational Organised Crime and its three Protocols (Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition), adopted by the UNGA in 2000 and 2001. The United Nations Centre for International Crime Prevention has recently offered to assist the Government in drafting implementing legislation to give effect to to the above Convention and Protocols and relevant agencies of Government are now following up on that offer.

Bilateral Treaties

2.4 See paragraph 2.9 below.

International Co-operation

2.5 On 1 February 2002, Government participated in the Financial Action Task Force (FATF) Special Forum on Countering Terrorism Financing held in Hong Kong, SAR. Organised by the OECD's FATF, Government joined some 60 other jurisdictions, international organisations and FATF-style regional bodies, to discuss the adoption of the Eight Special Recommendations of the FATF to counter terrorism as agreed by the FATF on 3 October 2001.[1] The Special Forum stressed the importance of all countries adopting and implementing the Special Recommendations.

2.6 The Government attended the above meeting as a member of the Asia-Pacific Group on Money Laundering ('APG'). The APG Secretariat confirmed the APG's endorsement of the Eight Special Recommendations.

2.7 Following on from the above Forum, the Government has undertaken to complete a Self-Assessment Questionnaire detailing the actions it has taken in relation to the above Recommendations. One of the Eight Special Recommendations is that States take immediate steps to ratify and implement relevant United Nations instruments (see paragraphs 2.1-2.3 above). In this regard, the APG, in conjunction with the Offshore Group of Banking Supervisors, carried out a mutual evaluation of the anti-money laundering regime in the Cook Islands in November 2001. The APG/OGBS Mutual Evaluation Report, issued in December 2001, recommended that the Cook Islands should take steps to become a party to the 1988 Vienna Convention on Psychotropic Substances as quickly as possible in accordance with Recommendation 1 of the Forty Recommendations of the FATF. The Cook Islands

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1 See www1.oecd.org/fatf/SrecsTF_en.htm for details.

Money Laundering Authority has undertaken to pursue Cook Islands participation in the 1988 Convention and this matter is currently under detailed examination.

2.8 Special Recommendation 7 recommends strengthening customer identification measures in international and domestic wire transfers. Pursuant to the Money Laundering Prevention Act 2000, the Government introduced Money Laundering Prevention Regulations on 23 January 2002 with respect to customer identification and record-keeping requirements for both onshore and offshore financial institutions. The Regulations stipulate the form of the customer identification and the information required to be kept by financial institutions in order to enhance monitoring of money transfers and make identification easier of suspicious financial transactions.

2.9 The Government committed the Cook Islands to the OECD's Harmful Tax Competition Initiative on 22 March 2002. In particular, it committed to the principle of transparency and to the effective exchange of information on criminal tax matters and on civil tax matters by 31 December 2003 and 31 December 2005, respectively. Whilst these commitments are in relation to tax matters and will be reflected in bilateral tax information exchange agreements yet to be negotiated, those commitments indicate a strong willingness on the part of the Government to increase transparency of beneficial ownership. A side benefit of transparency will be the ability of the Government's regulatory agencies to utilise the UNSC's Lists and assist in the identification of known terrorists (see below).

2.10 The Working Group of the Pacific Immigration Directors Conference (PIDC) held its first meeting in Brisbane, Australia, 7-8 February 2002. It was attended by representatives from Australia, the Cook Islands, Fiji, Nauru, New Zealand and Papua New Guinea and was chaired by the Cook Islands Secretary of Foreign Affairs and Immigration. The Working Group focused much of its deliberations on:

- strategies and actions needing to be taken internationally, regionally and by national immigration authorities to comply with UNSC Resolution 1373 (2001), especially requirements under paragraphs 2(c), 2(f), 2(g), 3(a), 3(f) and 3(g)
- repatriation of unlawful arrivals
- the development of a regional framework to assist PIDC members in the review of legislation and arrangements relating to refugee status claims and determination, illegal people movement and people smuggling
- asylum claims
- undetected arrivals.

2.11 National governments as well as the PIDC Secretariat and the Pacific Islands Forum Secretariat, based in Australia and Fiji, respectively, will take follow-up action.

2.12 The Cook Islands Prime Minister, Hon Dr Robert Woonton, represented the Cook Islands at the 27th Meeting of the Standing Committee of the Pacific Islands Conference of Leaders (PICL), held at the East-West Centre (EWC), Honolulu, Hawaii, on 13-14 March 2002. During the discussions on globalisation as it impacted on the Pacific Islands, the Prime Minister and other Heads of State and Heads of Government stressed the serious threat posed by terrorists and transnational

criminal activity to the security of the Pacific Islands; agreed on the need for increased co-operation among Pacific Island Governments; and called for technical and other assistance from the United States and other friendly governments and agencies to enable Pacific Island Governments to address transnational crime, including terrorism, electronic crime, money laundering etc.

2.12 In that regard, Leaders recognised that the national security of Pacific Island countries also depended on developing their economies. Towards that end, Leaders stressed the importance of expanding market access for their goods and services into the United States and the promotion of American investment in the Pacific Islands. They appreciated the role of the United States-Pacific Island Nations (PINs) Joint Commercial Commission (JCC) in that regard and called on the Pacific Islands Development Program (PIDP), based at the EWC to investigate the most effective modalities for accomplishing that objective and to report back to the next meeting of the Standing Committee.

2.13 Leaders agreed that the future work of the PIDP should include exploring ways the Pacific Islands could co-operate with the United States in the war on terrorism.

2.14 At the meeting of senior officials making up the Trade and Investment Working Group (TIWG) of the JCC, held at the EWC on 12 March 2002, officials discussed security issues relating to international trade, particularly between PINs and the United States, in the aftermath of the attacks on 11 September 2001. The United States Co-Chair of the TIWG observed that trade-related transportation regimes had greatly changed in response to security concerns arising since 11 September. The new region-wide terrorism vulnerabilities would impact upon PINs in important economic sectors such as tourism. The TIWG received presentations on security matters relating to transportation from senior officials from the United States Customs, Coast Guard and Transportation Security Administration.

2.15 The PINs expressed concern that they were vulnerable as possible staging locations for a terrorist attack on the United States. They indicated a desire to see a comprehensive interpretation of security that included PIN security training and capacity-building activities that required the assistance of the United States. That assistance could complement the support provided by Australia and New Zealand.

2.16 PINs stressed that their security concerns highlighted the need to build stronger island economies through better market access to the United States. Increased market access would help strengthen PIN economies and so provide for additional resources to allocate for terrorism prevention. This position was reaffirmed by the Standing Committee (see above) and follow-up discussions are planned between PINs and the United States in this regard.

2.17 Two Immigration officers attended a Workshop held in Auckland, New Zealand, from 14-22 March organised by the Office of the United Nations High Commissioner for Refugees (UNHCR). The focus of the Workshop was on the proper handling of refugees and asylum seekers.

2.18 The Pacific Island Regional Combating Terrorism Workshop was held in Honolulu, Hawaii, from 25-27 March 2002, co-hosted by the Governments of Australia, New Zealand and the United States and the Pacific Islands Forum Secretariat. The Government was represented by the representatives of the Police Department,

Crown Law Office and Ministry of Health. The primary objective of the Workshop was to encourage compliance with UNSC Resolutions aimed at combating terrorism and encouraging accession to and implementation of international counter-terrorism instruments. Discussions were organised under four main headings: legislation, vigilant border controls, information sharing, and the ongoing commitment from all countries in the fight against terrorism. Cook Islands activities in relation to the above were detailed in the first report to the UNSC and are also dealt with in this Supplementary Report.

2.19 Along with representatives of 21 Customs Administrations in the Pacific Islands region, Cook Islands Customs Officers participated in the Fourth Annual Conference of Customs Heads of the Oceania Customs Organisation (OCO) from 8-12 April 2002 in the French Pacific Overseas Territory of Wallis and Futuna. The Conference strongly endorsed the regional determination to prevent terrorist activities in the Pacific. The Conference noted UNSC Resolution 1373 and Conference members pledged their support to implement regionally the necessary Customs measures to suppress the activities of terrorist groups.

2.20 The Commissioner of Police attended the South Pacific Chiefs of Police Conference (SPCPC) Workshop held at the Australian Federal Police College, Canberra, Australia, from 29 April - 1 May 2002. Present at the Workshop were Commissioners of Police from American Samoa, Australia, the Cook Islands, Fiji, New Zealand, Palau and Tonga, as well as representatives from the Forum Secretariat and the SPCPC Secretariat. Topics discussed in detail included terrorism, drug smuggling, transnational crime, people smuggling and small arms legislation.

2.21 The SPCPC Workshop was immediately followed by a two-day meeting with the OCO and PIDC Secretariats, which included representatives of both Australia and New Zealand. The meeting was held to prepare for the Pacific Islands Forum Regional Security Committee Meeting to be held in June.

2.22 The Commissioner of Police also met in Canberra with the United States' FBI Legal Attaché to Australia, to develop plans for more and closer links between the two law enforcement organisations in the future. Participation by Cook Islands Police personnel in future FBI training and seminar activities was also discussed.

3. DOMESTIC LEGAL ACTION

3.1 See also paragraphs 2.2-2.3 and 2.8 above.

3.2 Drafting has been completed of a United Nations Bill for presentation to Cabinet for consideration. Subject to Cabinet's approval, it will be presented to Parliament for consideration and adoption. Upon its adoption, the United Nations (Security Council Resolutions) Act 2002 will enable the Queen's Representative in the Cook Islands to make regulations by Order in Executive Council to give domestic effect to UNSC Resolutions. Work has continued on the drafting of those Regulations.

3.3 Officers of the Cook Islands Crown Law Office, Police, Ministry of Foreign Affairs and Immigration and Office of the Commissioner of Offshore Financial Services continued to work closely together in the preparation of legislation, especially

legislation for giving effect to the Cook Islands' international obligations in relation to terrorism and related subjects.

4. SUPPORTING ACTIONS

4.1 Police, Customs, Immigration, Offshore Financial Services and Telecom Cook Islands authorities have been provided with the consolidated list of those persons and entities identified by the UNSC Committee established pursuant to Resolution 1267 (1999), updated as at 15 March 2002, and those agencies have brought the information to the attention of the appropriate persons and institutions with a view to giving effect to the UNSC Resolutions.

4.2 The Cook Islands Police Department has been and continues to work closely with regional law enforcement agencies such as the South Pacific Islands Criminal Intelligence Network (SPICIN, based in Pagopago, American Samoa), the New Zealand Police Interpol (based in Wellington, New Zealand), the Australian Federal Police Interpol (based in Canberra, Australia) and the United States Federal Bureau of Investigation (FBI). Co-operation includes the exchange of information, following up and assisting with international investigations and assisting with the extradition of wanted nationals where an extradition treaty exists.[2]

4.3 The activities of the Cook Islands Police in relation to airport security, the Anthrax Committee, contacts with the community, including the tourism sector, on counter-terrorist-related activities, the strict controls over the importation of firearms and ammunition detailed in the first report are continuing.

4.4 The Cook Islands Police opened its new armoury in March 2002. The armoury will for the first time provide the Cook Islands with a world standard storage facility for firearms, both for national Police and for such visiting Defence personnel from other countries that may be in the Cook Islands. The gun safes for the armoury had been donated by the New Zealand Defence Force (NZDF) under its Mutual Assistance Programme to the Cook Islands.

4.5 In March 2002, as well, the Police hosted four personnel from the NZDF who assisted in the training of national Police Officers of the Maritime Division in fire-fighting, boarding 'offender' boats and other naval-related skills.

4.6 In April 2002, the Australian Patrol Boat 'Ipswitch' also visited the Cook Islands and discussions were held between the Police and the Australian Navy Officers on future co-operation between the Cook Islands and Australia.

4.7 In April 2002, as well, the NZDF Chief of Naval Staff visited the Cook Islands, accompanied by 30 other NZDF personnel and the British Defence Attaché based at the British High Commission in Wellington. Discussions were held between the Commissioner of Police and both the Chief of Staff and Attaché on security matters, especially in relation to counter-terrorism activities.

4.8 The situation with respect to immigration matters, the activities of Cook Islands Immigration Officers, co-operation with other governments, and the movement of

[2] To date, no formal extradition request involving the Cook Islands has ever been made.

persons into and out of the Cook Islands remains as stated in the first report. International co-operative activities in relation to immigration matters are discussed above (see paragraphs 2.10, 2.11 and 2.17).

4.9 The activities of Cook Islands Customs Officers in relation to customs aspects of international terrorism, including co-operation with other governments, remain as stated in the first report. International co-operative activities concerning customs matters are discussed above (see paragraph 2.19 above).